

HOUSE BILL No. 1343

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-9-2-112.5; IC 31-10-2-1; IC 31-37; IC 31-39-2-16.

Synopsis: Restorative justice. Specifies that a juvenile court may require, as part of: (1) a program of informal adjustment; or (2) a dispositional decree; that a delinquent child who has committed an act that would be a crime if committed by an adult participate in a restorative justice program.

Effective: July 1, 2015.

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January 13, 2015, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1343

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 31-9-2-112.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: **Sec. 112.5. "Restorative justice", for**
4 **purposes of the juvenile law, means a community based effort that:**
5 **(1) is focused on a delinquent child who has committed an act**
6 **that would be a crime if committed by an adult; and**
7 **(2) has the goal of:**
8 **(A) requiring the delinquent child to acknowledge the**
9 **delinquent child's wrongdoing;**
10 **(B) in appropriate cases, making reparations to the victim**
11 **and the community; and**
12 **(C) maximizing the participation of the delinquent child,**
13 **victim, and members of the community in an effort to:**
14 **(i) prevent further delinquent acts and crime; and**
15 **(ii) restore the victim and the community, after a**



delinquent act has occurred, to a condition as close as possible to the condition of the victim and the community before the delinquent act occurred.

SECTION 2. IC 31-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. It is the policy of this state and the purpose of this title to:

(1) recognize the importance of family and children in our society;

(2) recognize the responsibility of the state to enhance the viability of children and family in our society;

(3) acknowledge the responsibility each person owes to the other;

(4) strengthen family life by assisting parents to fulfill their parental obligations;

(5) ensure that children within the juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation;

(6) remove children from families only when it is in the child's best interest or in the best interest of public safety;

(7) provide for adoption as a viable permanency plan for children who are adjudicated children in need of services;

(8) provide a juvenile justice system that: ~~protects the public by enforcing the legal obligations that children have to society and society has to children;~~

(A) recognizes that crime is most often an injury to an individual and a community; and

(B) creates an obligation on the child to make amends when possible;

(9) use diversionary programs when appropriate;

(10) provide a judicial procedure that:

(A) ensures fair hearings;

(B) recognizes and enforces the legal rights of children and their parents; and

(C) recognizes and enforces the accountability of children and parents;

(11) promote public safety and individual accountability by the imposition of appropriate sanctions; ~~and~~

(12) provide a continuum of services developed in a cooperative effort by local governments and the state; ~~and~~

(13) involve in restorative justice programs, when appropriate, delinquent children who have committed acts that would be crimes if committed by an adult.

SECTION 3. IC 31-37-9-1, AS AMENDED BY P.L.146-2008,



SECTION 629, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) After the preliminary inquiry
 and upon approval by the juvenile court, the intake officer may
 implement a program of informal adjustment if the officer has probable
 cause to believe that the child is a delinquent child and the child is not
 removed from the child's home. **If the officer has probable cause to
 believe that the child has committed a delinquent act that would be
 a crime if committed by an adult, the program of informal
 adjustment may include participation in restorative justice
 programs.**

(b) If the program of informal adjustment includes services
 requiring payment by the department under IC 31-40-1, the intake
 officer shall submit a copy of the proposed program to the department
 before submitting it to the juvenile court for approval. Upon receipt of
 the proposed program, the department may submit its comments and
 recommendations, if any, to the intake officer and the juvenile court.

SECTION 4. IC 31-37-17-1.1, AS AMENDED BY P.L.145-2006,
 SECTION 340, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The person preparing the
 report under section 1 of this chapter:

(1) may; or

(2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related
 to the child's needs in the areas of appropriate care, treatment,
 rehabilitation, or placement for a delinquent child.

(b) A conference held under this chapter may include
 representatives of the following:

(1) The child's school.

(2) The probation department.

(3) The department.

(4) A community mental health center located in the child's
 county of residence.

(5) A community mental retardation and other developmental
 disabilities center located in the child's county of residence.

**(6) Persons who are appropriate to participate in family
 group conferences with the child through a restorative justice
 program, including the victim and the child's coworkers,
 family, and teachers.**

~~(6)~~ (7) Other persons as the court may direct.

SECTION 5. IC 31-37-19-5, AS AMENDED BY P.L.147-2012,
 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2015]: Sec. 5. (a) This section applies if a child is a delinquent



child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by the probation department as a condition of probation under this subdivision. The juvenile court shall after a determination under IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in IC 11-8-8-5 if committed by an adult to register with the local law enforcement authority under IC 11-8-8.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing **or through another mediated process authorized by the court.**

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

(9) Order the child to participate in restorative justice programs.

(c) If the juvenile court orders supervision of the child by the probation department under subsection (b)(1), the child or the child's parent, guardian, or custodian is responsible for any costs resulting from the participation in a rehabilitative service or educational class provided by the probation department. Any costs collected for services or classes provided by the probation department shall be deposited in the county supplemental juvenile probation services fund.

SECTION 6. IC 31-39-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 16. The juvenile court may grant a participant in a restorative justice program involving a child or the child's family access to the juvenile court records on the child and the child's**



1 **family.**

